



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Cleta Mitchell, Esq.
Foley & Lardner LLP
Washington Harbour
3000 K Street, NW, Suite 500
Washington, DC 20007-5143

JUL 12 2007

RE: MUR 5496
Dean Proctor

Dear Ms. Mitchell:

On July 6, 2007, the Federal Election Commission ("Commission") accepted the signed conciliation agreement submitted on behalf of Dean Proctor in settlement of a violation of 2 U.S.C. § 441a(a)(1), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to Mr. Proctor.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the effective date of the conciliation agreement. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Ana Peña-Wallace
Attorney

Enclosure
Conciliation Agreement

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1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 In the Matter of)

4) MUR 5496

5 Dean Proctor)
6
7

8 **CONCILIATION AGREEMENT**
9

10 This matter was initiated through voluntary self-reporting by Huffman for Congress and

11 David Blanton, in his official capacity as treasurer, Lawrence David Huffman and Dean Proctor,

12 and by signed, sworn, and notarized complaints by Max W. Baker, Sandy Lyons, Patrick

13 McHenry and George Moretz. The Federal Election Commission ("the Commission") found

14 reason to believe that Dean Proctor ("Respondent") knowingly and willfully violated 2 U.S.C.

15 § 441a(a)(1). Reason to believe is a preliminary finding and a statutory prerequisite to an

16 investigation as to whether there is probable cause to believe a violation occurred. The

17 Commission has made no finding that there is probable cause to believe that Respondent's

18 violation in this matter was knowing and willful.

19 NOW, THEREFORE, the Commission and the Respondent, having participated in
20 informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree
21 as follows:

22 I. The Commission has jurisdiction over the Respondent and the subject matter of this
23 proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.
24 § 437g(a)(4)(A)(i).

25 II. Respondent has had a reasonable opportunity to demonstrate that no action should be
26 taken in this matter.

27 III. Respondent enters voluntarily into this agreement with the Commission.

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COUNSEL
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IV. The pertinent facts in this matter are as follows:

1. Huffman for Congress ("the Committee") is a political committee within the meaning of 2 U.S.C. § 431(4).
2. Lawrence David Huffman ("the Candidate") was a candidate for the U.S. House of Representatives from the 10th District of North Carolina during the 2004 primary election.
3. Dean Proctor served as the finance chairman for the Committee during the 2004 election cycle.
4. The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make contributions to any candidate and his authorized political committee with respect to any election for Federal office which, in aggregate, exceed \$2,000. *See* 2 U.S.C. § 441a(a)(1) .
5. Under the Act, the term "contribution" includes a loan made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(A).
6. On June 17, 2004, Dean Proctor gave the Candidate a \$100,000 check for use in his campaign. Mr. Proctor contends that he was unaware at that time that such a transaction was prohibited by the Act.
7. On July 19, 2005, the Candidate refunded to Mr. Proctor the full \$100,000 excessive contribution.
8. Mr. Proctor contends that on July 17, 2004 he learned from a friend that the

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1 transaction described in Paragraph V.6. was a violation of the Act. On or about the
2 same date, he undertook steps to reverse the transaction and voluntarily self-reported
3 the violation to the Federal Election Commission shortly thereafter.

4 **V. Violations**

5 Dean Proctor violated 2 U.S.C. § 441a by making an excessive contribution to the
6 Candidate's campaign.

7 **VI. Respondent will cease and desist from violating 2 U.S.C. § 441a.**

8 **VII. Respondent will pay a civil penalty to the Federal Election Commission in the**
9 **amount of Nineteen Thousand Dollars (\$19,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).**

10 **VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C.**
11 **§ 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance**
12 **with this agreement. If the Commission believes that this agreement or any requirement thereof**
13 **has been violated, it may institute a civil action for relief in the United States District Court for**
14 **the District of Columbia.**

15 **IX. This agreement shall become effective as of the date that all parties hereto have**
16 **executed same and the Commission has approved the entire agreement.**

17 **X. Respondent shall have no more than 30 days from the date this agreement becomes**
18 **effective to comply with and implement the requirements contained in this agreement and to so**
19 **notify the Commission.**

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XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Thomasenia P. Duncan
General Counsel

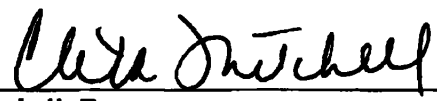
BY:


Ann Marie Terzaken
Acting Associate General Counsel
for Enforcement

7/12/07
Date

FOR THE RESPONDENT, DEAN PROCTOR:

BY:


Clea Mitchell, Esq.
Counsel for Respondent

June 1, 2007
Date